

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 09-10243-MLW
)
 RYAN HARRIS)

DEFENDANT'S MOTION TO DISMISS SUPERSEDING INDICTMENT
FOR LACK OF VENUE AND ON THE MERITS; ALTERNATIVELY
FOR TRANSFER TO ANOTHER DISTRICT

Defendant, Ryan Harris, respectfully moves this Court, pursuant to Fed. R. Crim. P. 12 and 18, to dismiss the Superseding Indictment for lack of venue in the District of Massachusetts. As grounds, he states, inter alia, that the government's attempt to create venue by charging an out-of-state product seller with secondary liability for the actions of product users in this District fails as a matter of law.

Defendant further moves to dismiss the indictment outright for the reasons set out above, and also for violation of the Due Process Clause of the Constitution.

Alternatively, Harris moves, pursuant to Fed. R. Crim. P. 21(b), for a transfer to the United States District Court for the Eastern District of California in the interest of justice. The government has disclosed its intention to commence in that District criminal proceedings against Harris for tax offenses relating to this charged conduct.

Defendant is simultaneously filing a supporting memorandum, which more fully sets out the reasons for the requested relief.

RYAN HARRIS
By his attorney,

/s/ Charles P. McGinty

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 4, 2011.

/s/ Charles P. McGinty

Charles P. McGinty